

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

No. CR 99-0363 MMC

ORDER DENYING PETITIONS

v.

ALEXANDER LUSHTAK,
Defendant.

By order filed March 29, 2010, the Court granted a petition filed by Tatiana Shabanov and a petition filed by Diana Shabanov. Specifically, the Court granted each petitioner's request that the Clerk issue a certified abstract of the judgment entered herein on January 30, 2001, which judgment reflects that defendant Alexander Lushtak ("Lushtak") shall pay Tatiana Shabanov restitution in the amount of \$150,000 and that Lushtak shall pay Diana Shabanov's father Yuri Shabanov restitution in the amount of \$22,000.¹

Now before the Court is a second petition by Tatiana Shabanov and a second petition by Diana Shabanov, both such petitions filed April 21, 2010. In their respective second petitions, each petitioner seeks issuance of an abstract of judgment that, in addition

¹Diana Shabanov has represented to the Court that her father is deceased. Where a person awarded restitution is deceased, "another family member" may "assume the victim's rights" under an order of restitution. See 18 U.S.C. § 3663A(a)(2).

1 to stating the amount of restitution awarded, would further state that each petitioner is
2 entitled to recover postjudgment interest at the rate of 10%. Additionally, Tatiana
3 Shabanov seeks a finding that "A & A Financial Management, California Corporation" is
4 also a debtor under the terms of the January 30, 2001 judgment.


5 "At the request of a victim named in a restitution order, the clerk of the court shall
6 issue an abstract of judgment certifying that a judgment has been entered in favor of such
7 victim in the amount specified in the restitution order." See 18 U.S.C. § 3664(m)(1)(B).

8 The judgment entered January 30, 2001 did not direct that Lushtak pay
9 postjudgment interest, and, accordingly, the Clerk cannot issue an abstract of judgment
10 certifying that either petitioner was awarded postjudgment interest. Further, because the
11 judgment names only Alexander Lushtak as a defendant, the Clerk cannot issue an
12 abstract of judgment, or any other document, stating the Court has found A & A Financial
13 Management, California Corporation is liable for the amount specified in the judgment.

14 Accordingly, the petitions filed April 21, 2010 are hereby DENIED.

15 **IT IS SO ORDERED.**

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17 Dated: April 23, 2010

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19 MAXINE M. CHESNEY
20 United States District Judge
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